

107TH CONGRESS
1ST SESSION

H. R. 1352

To amend title 10, United States Code, to codify and make modifications to certain provisions relating to “Buy American” requirements.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2001

Mr. JONES of North Carolina introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to codify and make modifications to certain provisions relating to “Buy American” requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CODIFICATION AND MODIFICATION OF PERMA-**
4 **NENT PROVISION RELATING TO BUY AMER-**
5 **ICAN REQUIREMENTS.**

6 (a) BUY AMERICAN REQUIREMENTS.—(1) Chapter
7 148 of title 10, United States Code, is amended by insert-
8 ing after section 2533 the following new section:

1 **“§ 2533a. Requirement to buy certain articles from**
2 **American sources; exceptions**

3 “(a) REQUIREMENT.—Except as provided in sub-
4 sections (c) through (g), funds appropriated or otherwise
5 available to the Department of Defense may not be used
6 for the procurement of an item described in subsection (b)
7 if the item is not grown, reprocessed, reused, or produced
8 in the United States.

9 “(b) COVERED ITEMS.—An item referred to in sub-
10 section (a) is any of the following:

11 “(1) An article or item of—

12 “(A) food;

13 “(B) clothing;

14 “(C) tents, tarpaulins, or covers;

15 “(D) cotton and other natural fiber prod-
16 ucts, woven silk or woven silk blends, spun silk
17 yarn for cartridge cloth, synthetic fabric or
18 coated synthetic fabric (including all textile fi-
19 bers and yarns that are for use in such fabrics),
20 canvas products, or wool (whether in the form
21 of fiber or yarn or contained in fabrics, mate-
22 rials, or manufactured articles); or

23 “(E) any item of individual equipment
24 manufactured from or containing such fibers,
25 yarns, fabrics, or materials.

1 “(2) Specialty metals, including stainless steel
2 flatware.

3 “(3) Hand or measuring tools.

4 “(c) EXCEPTION.—The Secretary of Defense or the
5 Secretary of the military department concerned may waive
6 the requirement in subsection (a)—

7 “(1) if such Secretary determines that satisfac-
8 tory quality and sufficient quantity of any such arti-
9 cle or item described in subsection (b)(1) or spe-
10 cialty metals (including stainless steel flatware)
11 grown, reprocessed, reused, or produced in the
12 United States cannot be procured as and when need-
13 ed at United States market prices;

14 “(2) such Secretary has notified the Commit-
15 tees on Appropriations, Armed Services, and Small
16 Business of the House of Representatives and the
17 Senate; and

18 “(3) 30 days have elapsed since the date of the
19 notification of such committees.

20 “(d) EXCEPTION FOR CERTAIN PROCUREMENTS
21 OUTSIDE THE UNITED STATES.—Subsection (a) does not
22 apply to the following:

23 “(1) Procurements outside the United States in
24 support of combat operations.

25 “(2) Procurements by vessels in foreign waters.

1 “(3) Emergency procurements or procurements
2 of perishable foods by an establishment located out-
3 side the United States for the personnel attached to
4 such establishment.

5 “(e) EXCEPTION FOR SPECIALTY METALS AND
6 CHEMICAL WARFARE PROTECTIVE CLOTHING.—Sub-
7 section (a) does not preclude the procurement of specialty
8 metals or chemical warfare protective clothing produced
9 outside the United States if—

10 “(1) such procurement is necessary—

11 “(A) to comply with agreements with for-
12 eign governments requiring the United States
13 to purchase supplies from foreign sources for
14 the purposes of offsetting sales made by the
15 United States Government or United States
16 firms under approved programs serving defense
17 requirements; or

18 “(B) in furtherance of agreements with
19 foreign governments in which both such govern-
20 ments agree to remove barriers to purchases of
21 supplies produced in the other country or serv-
22 ices performed by sources of the other country;
23 and

24 “(2) any such agreement with a foreign govern-
25 ment complies, where applicable, with the require-

1 ments of section 36 of the Arms Export Control Act
2 (22 U.S.C. 2776) and with section 2457 of this title.

3 “(f) EXCEPTION FOR CERTAIN FOODS.—Subsection
4 (a) does not preclude the procurement of foods manufac-
5 tured or processed in the United States.

6 “(g) EXCEPTION FOR SMALL PURCHASES.—Sub-
7 section (a) does not apply to purchases for amounts not
8 greater than the simplified acquisition threshold referred
9 to in section 2304(g) of this title.

10 “(h) APPLICABILITY TO CONTRACTS AND SUB-
11 CONTRACTS FOR PROCUREMENT OF COMMERCIAL
12 ITEMS.—This section is applicable to contracts and sub-
13 contracts for the procurement of commercial items not-
14 withstanding section 34 of the Office of Federal Procure-
15 ment Policy Act (41 U.S.C. 430).

16 “(i) GEOGRAPHIC COVERAGE.—In this section, the
17 term ‘United States’ includes the commonwealths, terri-
18 tories, and possessions of the United States.”.

19 (2) The table of sections at the beginning of such
20 chapter is amended by inserting after the item relating
21 to section 2533 the following new item:

“2533a. Requirement to buy certain articles from American sources; excep-
tions.”.

22 (b) REPEAL OF SOURCE PROVISIONS.—The following
23 provisions of law are repealed:

1 (1) Section 9005 of the Department of Defense
2 Appropriations Act, 1993 (Public Law 102–396; 10
3 U.S.C. 2241 note).

4 (2) Section 8109 of the Department of Defense
5 Appropriations Act, 1997 (as contained in section
6 101(b) of Public Law 104–208; 110 Stat. 3009–
7 111; 10 U.S.C. 2241 note).

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